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Paper No. 7

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OFFICE OF PETITIONS

In re Application of Trost, Ibrahim & Mikhak Application No.: 09/788,061 Filed: February 16, 2001 Attorney Docket No.: 41524/CAG/B600 For: BLUETOOTH BASEBAND SOLUTION WITH REDUCED PROCESSOR

REQUIREMENTS AND INTEGRATED HOST

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed October 5, 2001.

The petition is **DISMISSED**.

CONTROLLER

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application.

The above-identified application was filed on February 16, 2001 without an executed oath or declaration. Accordingly, on April 27, 2001, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, a surcharge for its late filing and substitute drawings.

In response, on October 5, 2001 (certificate of mailing date September 26, 2001), a petition for a three month extension of time and required fee, a declaration executed by 2 of 3 joint inventors, the surcharge, substitute drawings, the petition fee, and the instant petition were filed. A declaration of facts of D. Bruce Prout and Christopher C. Winslade, attorneys for a corporation in interest, accompanied the petition. Messrs. Prout and Winslade explain that the attorney representing non-signing joint inventor Alahyar Alan Mikhak received a copy of the application and a declaration for the above-identified application, but Mr. Mikhak did not respond to the time sensitive request that he sign the declaration for the patent application.

A grantable petition under 37 CFR 1.47(a) requires

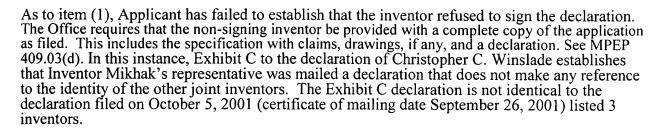
a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,

(2) a proper oath or Declaration executed by the available joint inventor(s),

(3) the fee of \$130 as specified in 37 CFR § 1.17(h), and

(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.



Petitioners must mail Inventor Mikhak's representative a copy of the declaration, as filed with the Office. The Declaration presented to the non-signing inventor must include all of the joint inventors in order to ensure that the non-signing inventor is aware of the identity of the other named inventors of the subject matter. See 37 CFR 1.63.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Commissioner for Patents

**Box DAC** 

Washington, D.C. 20231

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis Petitions Attorney

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

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